

**REMARKS**

Claims 1 and 3-34 are pending in this application. Claims 1, 22 and 29 are independent claims. Claims 29-34 stand allowed. By this Amendment, claim 2 is cancelled without prejudice or disclaimer. Claims 1, 3, 8, 13, 16-18 and 20 are amended. Support for the amendment to independent claim 1 may be found in originally filed claim 2 and paragraphs [0054], [0057] and [0079]. Thus, no new matter is added that would necessitate further consideration and/or search. The remaining amended claims are rewritten only to correct minor formalities.

**Allowable Subject Matter**

Applicants note that claims 7, 10, 14, 15, 17-20 and 24-27 are indicated as being allowable if rewritten in independent form. Claim 8 is indicated as being allowable if amended to overcome the rejection under 35 USC §112, second paragraph, and if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 7, 8, 10, 14, 15, 17-20, and 24-27, as well as the remaining pending claims, are allowable for the reasons discussed below.

**Claim Rejection Under 35 USC §112**

Claims 8 is rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Specifically, it is alleged that there is no antecedent basis for “the at least one pivotable arm” recited in claim 8. Claim 8 is amended to address the antecedent issue. Therefore, withdrawal of the rejection is respectfully requested.

**Rejections under 35 U.S.C. §103**

Claims 1-6, 9, 11-13, 16, 21-23 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0189348 (“Lindstrom”) in view of US Patent 5,163,726 to Boos et al. (Boos). The rejection is respectfully traversed.

Lindstrom discloses spreaders for lifting two containers simultaneously, side-by-side in a lateral plane (paragraph [0001]). In Lindstrom, an elongate main frame 1 is arranged and supported by cables 2 from a crane (not shown). Sub-frames 6, 7 each have a width of a container 4, 5 (Fig. 1) and are pivotally suspended by rods 10 in each end of the main frame 1.

As illustrated in FIG. 4, the sub-frames 6, 7 may be suspended from a common, transverse guide means 11 that is driven and controlled for a lateral displacement of a load center relative to the wires 2 (paragraphs [0023]-[0024]; FIG. 4).

It is alleged in the Office Action that Lindstrom discloses a primary hoisting frame (not identified in the Office Action) having hoisting cables attached to the upper side thereof. Thus, as may be best understood from the Office Action it appears that the Examiner alleges that the guide means 11 corresponds to the claimed “frame” in that the guide means has the hoisting cables attached to an upper side thereof. In the event Applicants’ interpretation is incorrect, Applicants request that the present Office Action be withdrawn and a new Office Action issued properly identifying corresponding structure.

It is further alleged that Lindstrom discloses twist-lock means 3 on an underside of the adjustable frame portions. Thus, as may be best understood from the Office Action it appears that the Examiner alleges that the sub-frames 6, 7 corresponds to the claimed “means for picking up at least one secondary frame” in that the sub-frames 6, 7 are on an underside of the guide means 11 and have twist locks 3. In the event Applicants’ interpretation is incorrect, Applicants request that the present Office Action be withdrawn and a new Office Action issued properly identifying corresponding structure.

It is also pointed out that the sub-frames 6, 7 are adjustable between a retracted position and an extended position (see Figs. 4 and 5 for example). Although the sub-frames 6, 7 are adjustable between a retracted position and an extended position, in the claims it is the frame (guide means 11) that is claimed to be adjustable and not the means for picking up (sub-frames 6, 7). Thus, Lindstrom fails to disclose the claimed feature as alleged in the Office Action.

Moreover, Lindstrom also fails to disclose or suggest a means, arranged on an upper side of the frame, for connecting the frame to at least two hoisting cables suspended at a mutual distance in a longitudinal direction of the hoisting frame. Rather, as shown in the figures of Lindstrom, the hoisting cables are suspended at a distance in a transverse direction. Thus, Lindstrom fails to disclose the claimed feature as alleged in the Office Action.

Also, in Lindstrom, the twist locks 3 on each of the sub-frames 6, 7 are spaced to pick up a single container, respectively (see paragraph [0020]; Fig. 1). Thus, it is clear from the description in Lindstrom that the width, or transverse dimension of each of the individual sub-frames 6, 7 correspond to the width of a container 4, 5. Therefore, in the retracted position of the

sub-frames 6, 7, (see Fig. 5, for example) the transverse dimension is still twice the width of a container (i.e., the width of two containers). Thus, Linstrom fails to disclose the claimed feature as alleged in the Office Action.

Similarly, in an extended position of the sub-frames 6, 7 (see Fig. 4, for example), the transverse dimension of the guide means 11 (frame) is not larger than that of the secondary hoisting means (sub-frames 6, 7) when the sub-frames are in an extended position.. Thus, Linstrom fails to disclose the claimed feature as alleged in the Office Action.

Additionally, independent claim 1 is amended to recite, the frame being divided in the longitudinal direction into frame parts that are movable relative to each other at least in a transverse direction, and wherein the means for picking up are for picking up a single secondary hoisting frame in the retracted position and for picking up two mutually adjacent secondary hoisting frames in the extended position, the means for picking up including a plurality of pick-up elements distributed on the frame parts and the pick-up elements on one of the frame parts cooperating with the pick-up elements on another one of the frame parts for picking up the single secondary hoisting frame when the frame parts are moved toward each other to the retracted position of the frame. Neither Linstrom nor Boos, whether considered alone or in combination, disclose or suggest these claim features.

In Lindstrom, the guide means 11 is not divided into parts that are movable relative to one another. Similarly in Boos, there is not component that is movable relative to any other part in a longitudinal direction.

Further, in Lindstrom neither the guide means 11 nor the sub-frames 6, 7 have pick-up elements that cooperate with one another to pick-up a single secondary hoisting frame. Similarly Boos fails to disclose or suggest a means for picking up including a plurality of pick-up elements distributed on the frame parts and the pick-up elements on one of the frame parts cooperating with the pick-up elements on another one of the frame parts for picking up the single secondary hoisting frame when the frame parts are moved toward each other to the retracted position of the frame.

In applying Boos to reject the claims, it is indicated in the Office Action that Boos shows a primary frame (spreader bar 10) attachable to a secondary frame (over height attachment 20) so that over-height cargo supported on a pallet can be lifted. Thus, the relevance of this statement and the applicability of Boos in rejecting the claims are unclear as the Office Action fails to

indicate which of the features recited in the rejected claims are not disclosed by Lindstrom thereby necessitating the application of a secondary reference. Although it is alleged that it would have been obvious to one of skill in the art at the time of the invention to modify Lindstrom to pick-up the over height frame of Boos, the need to do so is not provided as the Office Action fails to indicate which claim features are missing from Lindstrom.

Even accepting *arguendo* that there is a reason to modify Lindstrom according to the teachings of Boos, the combination of references fails to render the claims obvious for at least the reasons discussed above.

Accordingly, Applicants respectfully request that this rejection of claims be withdrawn.

### CONCLUSION

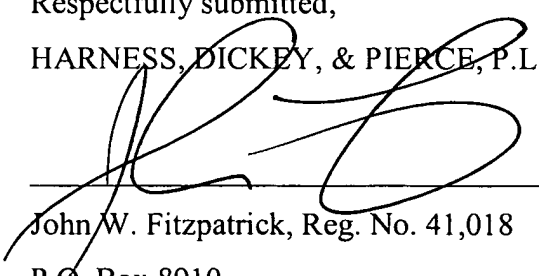
In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick, Reg. No. 41,018 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
HARNES, DICKY, & PIERCE, P.L.C.

By

  
John W. Fitzpatrick, Reg. No. 41,018

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

DJD/JWF/